

United States District Court

NOV 22 2017

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Arturo GARZA III, YOB: 1993, USC
Arturo Jesus QUIROGA, YOB: 1999, USCCASE NUMBER: M 17-2116-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 21, 2017 in Hidalgo county, in the Southern District of Texas defendant(s) did,

Knowingly and Intentionally possess with the Intent to Distribute approximately 287.86 kilograms of Marijuana, a Schedule I Controlled Substance.

Knowingly and Intentionally conspire to possess with the Intent to Distribute approximately 287.86 kilograms of Marijuana, a Schedule I Controlled Substance.

in violation of Title 21 United States Code, Section(s) 846, 841 (a) (1)

I further state that I am a(n) DEA Task Force Officer and that this complaint is based on the following facts: See Attachment "A".

Continued on the attached sheet and made a part of hereof: ☒ Yes ☐ No

Approved by
AUSA

Signature of Complainant
Gilberto Vazaldua, DEA Task Force Officer

Sworn to before me and subscribed in my presence,

November 22, 2017

Date

8:34 am At

McAllen, Texas

City and State

Peter E. Ormsby, U.S. Magistrate Judge

Name & Title of Judicial Officer

Signature of Judicial Officer

Attachment

On November 21, 2017, at approximately 3:40 p.m., Border Patrol Agent (BPA) Patricia Zavala was conducting still watch operations south of Military Highway south of Alamo, Texas. BPA Zavala observed a silver 2002 Chevy Silverado 1500 traveling south on Tower Road from Military Highway and advised other Border Patrol Agents that the Silverado was traveling eastbound on the levee. BPA Zavala advised that the Silverado then turned south bound onto Schuster Farm Road towards the Rio Grande River. Approximately 5 minutes later, BPA Zavala advised nearby agents that the Silverado was traveling northbound at a high rate of speed.

At this time, BPA Ricardo Alaniz observed the Silverado traveling northbound on Tower Road. As BPA Alaniz approached the Silverado, he activated the emergency lights of his assigned clearly marked issued vehicle in attempt to conduct a traffic stop. The Silverado made an immediate U-turn at the intersection of Farm to Market Road 907 and Military Highway.

The Silverado then traveled back eastbound onto Military Highway and turned south bound at Santa Ana Wildlife Refuge (SAWR) main entrance. The Silverado then turned eastbound and came to a complete stop approximately 100 yards east of the SAWR main entrance. BPA Alaniz advised that two (2) subjects absconded from the Silverado in an open field, one subject wearing a red shirt and black shorts and the other subject wearing a grey shirt and black shorts. As BPA Alaniz secured the Silverado, he observed several bundles of suspected narcotics in plain view in the rear cab of the Silverado and the truck bed. It was later determined that there were a total of eleven (11) bundles of marijuana recovered from the Silverado weighing approximately 287.86 kilograms. The green leafy substance inside of the bundles did field test positive for marijuana.

BPA Marcus Johnson responded to the initial call and observed two subjects matching the description of the two subjects running south in the field. BPA Alaniz never lost sight of the two subjects as BPA Johnson intercepted and apprehend them. The two subjects apprehended, were later identified as Arturo GARZA (DOB: 09/02/1993) and Arturo Jesus QUIROGA (DOB: 05/16/1999).

The driver, identified as GARZA, was placed under arrest and transported to the Weslaco Border Patrol Station by Agent Julian Casares. At approximately 4:00 p.m., GARZA was read his Miranda Rights by BPA Johnson as witnessed by BPA Casares. GARZA acknowledged that he understood his Rights. The passenger, QUIROGA, was also placed under arrest and transported to the Weslaco Border Patrol Station by Agent Johnson. At approximately 4:01 p.m., QUIROGA was read his rights by BPA Johnson and was witnessed by BPA Casares. QUIROGA acknowledged that he understood his Rights.

On November 21, 2017, DEA Task Force Officers Gilberto Vazaldua and Carlos Mireles responded to the Weslaco Border Patrol Station to interview Arturo GARZA and Arturo Jesus QUIROGA. On that same date, both GARZA and QUIROGA were advised of their Miranda Rights prior to questioning and both GARZA and QUIROGA waived their Rights. TFOs Vazaldua interviewed GARZA and QUIROGA and their statements were as follows:

Arturo GARZA advised that he is a convicted felon, without a job, and short on money. GARZA advised that he was contact by FNU LNU a/k/a "EL WHISKEY" on November 20, 2017 in reference to transporting marijuana. On November 21, 2017, at approximately 2:00 p.m., "EL WHISKEY" contacted GARZA via telephone and provided directions where to drive to pick up the marijuana. GARZA advised that he remained on the telephone with "EL WHISKEY" the entire time he was driving and was being instructed by "EL WHISKEY" where to go. GARZA advised that he drove to the Rio Grande River where he observed 6-7 unknown subjects approach his vehicle (2002 Chevrolet Silverado) with bundles wrapped in black cellophane. The subjects loaded the bundles of marijuana into GARZA's pick-up truck. As GARZA attempted to drive northbound, he observed Border Patrol Agents and turned around to drive back southbound towards the river. GARZA advised once Border Patrol activated their emergency lights, he attempted to turn, but ran into a ditch and the pick-up truck stalled. At that time, GARZA and his friend, Arturo Jesus QUIROGA, then exited the pick-up truck and attempted to flee, but gave up a short time later and were apprehended. GARZA stated that he and QUIROGA were going to get paid \$1,200 to \$1,500 USC to transport the marijuana and they were going to split the money.

QUIROGA advised that he is best friends with GARZA and that they both agreed to transport the marijuana today due to his and GARZA's financial problems. QUIROGA stated that he and GARZA drove to the Rio Grande River from Donna, Texas and that GARZA was driving a Chevrolet pick-up truck. QUIROGA stated that as they approached the River, he observed 6-7 unknown subjects come out of the brush with bundles of marijuana that they loaded into GARZA's pick-up truck. QUIROGA stated that after the marijuana was loaded into the pick-up truck, he felt uneasy and advised GARZA to get out of there. QUIROGA advised that as GARZA drove northbound, they saw a Border Patrol vehicle. QUIROGA advised that GARZA turned the pick-up truck back to go southbound and GARZA crashed the pick-up truck into a ditch. QUIROGA stated that he and GARZA attempted to run, but gave up willingly a short time later. QUIROGA also advised that he and GARZA were going to get paid \$1,200 to \$1,500 USC to transport the marijuana and that they were going to split the money.